

AMENDMENT #3
2008-2011
CONSOLIDATED MEMORANDUM OF UNDERSTANDING
WITH THE
SAN BERNARDINO COUNTY PUBLIC ATTORNEYS ASSOCIATION

We agree to the Agreement Regarding Delayed Implementation of Negotiated Salary Increase as described below to the Memorandum of Understanding between the County of San Bernardino and the San Bernardino Public Attorneys Association (SBCPAA).

AGREEMENT REGARDING DELAYED IMPLEMENTATION OF NEGOTIATED SALARY INCREASE

Section 1 – Definitions

For purposes of this Agreement, the parties agree that the following terms have the following meanings:

Deferral Period – The time period during which the negotiated across-the-board salary increase for the Attorney Unit that was previously scheduled to go into effect in pay period 15 of 2009 has not gone in effect pursuant to this Agreement.

Bargaining Unit-wide Layoffs – Layoffs implemented for the purpose of reducing the number of regular bargaining unit employees for the purpose of obtaining additional cost-savings as a result of continuing County General Fund budget difficulties.

Section 2 – Pay Raise Deferral

- (a) In order to avoid implementation of furloughs, work hour reductions and/or layoffs commencing at the beginning of FY 09/10, the parties agree to reduce the negotiated across-the-board salary increase for the Attorney Unit that was previously scheduled to go into effect pay period 15/09 from 3.5% to .25%. Alternatively, the remaining 3.25% across-the-board salary increase will now go in effect in pay period 15 of 2010, unless the financial condition of the County improves such that the County is able to implement the delayed salary increase prior to pay period 15 of 2010. However, if the financial condition of the County worsens during FY 09/10, such that the County needs additional fiscal relief beyond the savings from the delayed implementation of the negotiated salary increase referenced above, the parties agree to meet within fifteen (15) days of a request by the County to discuss the impact of additional cost savings measures, including reductions in scheduled work hours.
- (b) The delay in implementation of this across-the-board salary increase shall become effective, and remain in effect, only so long as this limitation exists for SBPEA represented bargaining units and Exempt Group employees of the County. In the event that SBPEA and Exempt employees are provided deferred pay provisions that are more favorable than those stated herein, County agrees to incorporate such provisions at Association's request.
- (c) During the period of the deferral, the County shall not exercise its right to impose bargaining unit-wide layoffs. If the County does exercise such right to impose bargaining unit-wide layoffs during the deferral period, this Agreement shall terminate, and the negotiated across-the-board salary increase for the Attorney Unit that was previously scheduled to go into effect pay period 15 of 2009 shall become effective upon the first day of the first pay period in which the County exercises such right to impose bargaining unit-wide layoffs.

Section 3 – Deferred Bank of Leave Hours

On July 3, 2010, each Attorney Unit employee in regular paid status who was hired prior to June 20, 2009, shall receive a leave bank credit of twenty (20) hours, to be used in the same manner as vacation leave. Banked leave hours must be used by the end of FY 10/11. Any remaining balance at the end of FY 10/11 will be forfeited. These accrued hours are not subject to leave cash-out provisions.

Section 4 – Economic Review

The County agrees to meet with SBCPAA in January 2010 to provide an update as to the fiscal condition of the County and meet and confer on the impact of any cost savings that may be necessary to FY 10/11.

Section 5 – Reopener Language

This agreement does not negate, invalidate, modify, or alter the reopener language contained in the Renegotiation Article of the 2008-2011 Memorandum of Understanding for the Attorney Unit between the County of San Bernardino and the San Bernardino Public Attorneys Association, pertaining to the meet and confer on the Salary Adjustments article.

County of San Bernardino



BOB WINDLE
Assistant Director of Human Resources

5/18/09
Date

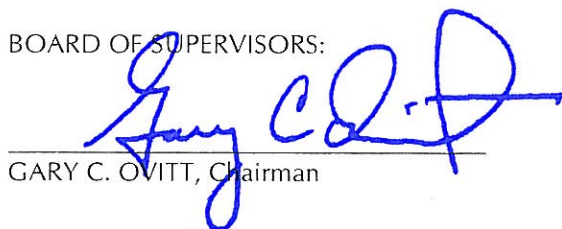
San Bernardino County Public Attorneys Association



GROVER MERRITT
President

05/18/09
Date

BOARD OF SUPERVISORS:



GARY C. OVITT, Chairman

MAY 19 2009

Date

SIGNED AND CERTIFIED THAT A COPY OF
THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIRMAN OF THE BOARD
DENA M. SMITH
Clerk of the Board of Supervisors
of the County of San Bernardino

By: 

Dena M. Smith

Clerk

of the Board of Supervisors

County of San Bernardino